

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/495,105	02/01/00	MCCLOY	G 8044-0000026 (

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EXAMINER	
SEMBER, T	
ART UNIT	PAPER NUMBER
2875	5
DATE MAILED: 07/31/01	

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>09/495,105</b>	Applicant(s) <b>McCloy et al</b>
	Examiner <b>Thomas Sember</b>	Art Unit <b>2875</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Jun 12, 2000

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 25-34 and 41-59 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 25-34 and 41-59 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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***Response to Amendment***

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-32, 34 and 41-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Pastrick et al (306' figure 22, '704 figure 22 or '654 figure 22) Pastrick et al ('306 figure 22, '704 figure 22 or '654 figure 22) discloses an exterior rear view mirror having a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening. A reflective mirror is disposed within the opening. A bezel is disposed in proximity to a portion of a lower transverse surface of the housing, the bezel has an opening for projecting light. The bezel has an opaque contoured surface and is formed separately of the mirror housing and extends from a bottom of the housing. A light transmitting lens is formed in the bezel and a light source assembly having a light source generates light projected through the opening in the bezel, the light source is operable to provide a signal light visible through the light transmitting lens.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 25-33 and 41-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada. Yamada discloses an exterior rear view mirror having a housing adapted to be secured to an outer surface of a motor vehicle and having a generally rearwardly facing opening. A reflective mirror is disposed within the opening. A bezel is disposed in proximity to a portion of a lower transverse surface of the housing, the bezel has an opening for projecting light. A bezel has an opaque contoured surface is formed separately of the mirror housing and extends from a bottom of the housing. The bezel has an opaque contoured surface and is formed separately of the mirror housing and extends from a bottom of the housing. A light transmitting lens is formed in the bezel and a light source assembly having a light source generates light projected through the opening in the bezel, the light source is operable to provide a signal light visible through the light transmitting lens. The bezel is fastened to the housing via thread means 29.

#### ***Response to Arguments***

5. Applicant's arguments filed on 07/02/2001 have been fully considered but they are not persuasive. The applicant argues that the Patent references of Pastrick et al ('306 figure 22, '704 figure 22 and '654 figure 22) and Yamada fail to teach applicant's claimed invention. Particularly, the applicant argues that the bezels of the Patrick et al (306' figure 22, '704 figure 22 and '654 figure 22) patents and the bezel of Yamada fail to teach or fairly suggest a bezel formed

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separately of the mirror housing. As shown by the references of Pastrick et al ('306 figure 22, '704 figure 22 and '654 figure 22). and Yamada, a bezel having an opaque contoured surface is formed separately of the mirror housing and extends from a bottom of the mirror housing. As broadly claimed, the bezels of Pastrick et al and Yamada are positioned at a lower end of the mirror housing and form a contour surface from the lower portion of the mirror housing.

*Conclusion*

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

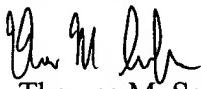
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703) 305-4939. The fax phone number for this group is (703) 308-7724.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-4900.



Thomas M. Sember

Primary Examiner

July 23, 2001